

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2877 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT STATE BOARD TRANSPORT CORPORATION

Versus

S T KARMACHARI MANDAL

Appearance:

MR HARDIK C RAWAL for Petitioner

NOTICE SERVED for Respondent No. 1

MR BG JANI for Respondent No. 2

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 15/10/1999

ORAL JUDGEMENT

Heard the learned advocates for the parties. The facts of the present petition, in short, are that the respondent workman, through union, has challenged the order of punishment dated 15th October, 1984 passed by the competent authority putting him to the minimum time scale for a period of three years on the post of bus

conductor. The appropriate authority under the ID Act referred the said dispute to the industrial tribunal being reference No. 190 of 1987. The tribunal, after considering the evidence on record and also considering the facts and circumstances of the case and also considering the defence of the conductor, came to the conclusion that the order passed by the disciplinary authority imposing punishment upon the workman is harsh and unjustified. The tribunal, therefore, modified the order of punishment and ordered to stop two yearly increments of the workman without future effect and also directed to grant difference and arrears of salary due to such modification vide order dated 6th September, 1988. Feeling aggrieved and dissatisfied by the said order passed by the tribunal, the petitioner Corporation has approached this Court by this petition under Article 227 of the Constitution of India.

I have perused the past record of the workman. I have also considered the impugned award passed by the Tribunal. I have also considered the submissions made by Mr. Raval, the learned advocate appearing for the petitioner. According to Mr. Raval, the tribunal has committed gross error in modifying the order of punishment. According to me, the tribunal has given reasons in detail for modifying the order of punishment which was impugned before it by the workman. The Tribunal has discussed the defence of the conductor and has also relied on the facts supporting the defence of the conductor and, therefore, according to my view, the tribunal has applied its mind and has rightly come to the conclusion that the authority is not justified in passing the order of punishment and that the punishment imposed upon the workman is harsh. Mr. Raval has not been able to point out any infirmity in the award passed by the tribunal. Therefore, the award passed by the tribunal does not call for any interference of this Court in exercise of the powers under Article 227 of the Constitution of India. Therefore, petition is liable to be dismissed. I accordingly dismiss the petition. Rule is discharged. Ad interim relief granted earlier shall stand vacated. There shall be no order as to costs.

15.10.1999. (H.K.Rathod,J.)

Vyas